

# Senate File 428 - Introduced

SENATE FILE 428  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SF 227)

## A BILL FOR

1 An Act relating to drainage districts, by providing for the  
2 assessment of benefits by state agencies, and including  
3 effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 468.2, subsection 1, Code 2011, is  
2 amended to read as follows:

3 1. The drainage of surface waters from agricultural lands  
4 and all other lands, including state-owned lakes and wetlands,  
5 or the protection of such lands from overflow shall be presumed  
6 to be a public benefit and conducive to the public health,  
7 convenience, and welfare.

8 Sec. 2. Section 468.40, Code 2011, is amended by adding the  
9 following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. When the land is a state-owned  
11 lake or state-owned wetland, the commissioners shall ascertain  
12 the benefits realized from removing excess water and shall  
13 not consider any benefit realized if the state-owned lake or  
14 state-owned wetland were drained or converted to another land  
15 use.

16 Sec. 3. Section 468.43, unnumbered paragraph 3, Code 2011,  
17 is amended to read as follows:

18 When state-owned land under the jurisdiction of the  
19 department of natural resources is situated within a levee or  
20 drainage district, the commissioners assessing benefits shall  
21 ascertain and return in their report the amount of benefits and  
22 the apportionment of costs and expenses to the land, and the  
23 board of supervisors shall assess the amount against the land.  
24 In estimating benefits to land which is a state-owned lake or  
25 state-owned wetland, the commissioners shall ascertain benefits  
26 as provided in section 468.40.

27 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
28 immediate importance, takes effect upon enactment.

29 EXPLANATION

30 RECOMMENDATION. This bill is based on a recommendation of  
31 the levee and drainage district law study committee which met  
32 in 2010.

33 LEVEE AND DRAINAGE DISTRICTS. The bill addresses levee and  
34 drainage districts organized under Code chapter 468, which  
35 authorizes the removal of excess precipitation accumulating on

1 land and the protection of land from surface water flooding. A  
2 district is managed by a "board" which is the county board of  
3 supervisors for a district established in one county, the joint  
4 boards of supervisors in a district which crosses county lines  
5 (intercounty districts), or by the district's landowners acting  
6 through an elected board of trustees (Code section 468.3(2)).  
7 The land is assessed by "commissioners" who are three persons  
8 appointed by a board to classify lands, fix percentages of  
9 benefits, and apportion and assess costs and expenses in any  
10 levee or drainage district (Code section 468.38).

11 ASSESSMENT OF STATE-OWNED LAKES AND STATE-OWNED WETLANDS.  
12 This bill expressly provides that the recognized public  
13 benefit derived from draining surface water from land includes  
14 state-owned lakes and wetlands. It also provides for the  
15 manner of assessment. The commissioners are required to base  
16 the amount assessed on the benefits realized from removing  
17 excess water and cannot consider any benefit realized if  
18 the state-owned lake or state-owned wetland were drained or  
19 converted to another land use.

20 EFFECTIVE DATE. The Act takes effect upon enactment.